

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Jerry Evon Spencer v Dept of Corrections**  
Docket No. **278922**  
L.C. No. **07-045248-AH**

William C. Whitbeck, Chief Judge, acting under MCR 7.211(E)(2), orders:

The complaint for habeas corpus is **DISMISSED** for lack of jurisdiction because such a complaint cannot be used to substitute for an appeal or to review the merits of a criminal conviction. *People v Price*, 23 Mich App 663, 668-670 (1970) and MCL 600.4301(3). Plaintiff has previously filed a claim of appeal from the underlying conviction addressed in this complaint (COA No. 178623) and an application for leave to appeal the denial of a motion for relief from judgment (COA No. 262898). He cannot use a complaint for habeas corpus to obtain a third review of his conviction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 21 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk